HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 15513 of 2007

DATED: 23-07-2007

Between:

B.Srinivasa Goud

…Petitioners

and

The Chairman and Managing Director,
Indian Airlines Ltd., New Delhi and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 15513 of 2007

ORAL ORDER:

The petitioner filed this writ petition seeking regularization of his services as Driver from the initial date of appointment on the ground that he is working as Driver on casual basis since 1-2-2000.

The learned standing counsel for the respondents raised an objection regarding filing of the writ petition in this Court.

Heard the learned counsel for the petitioner as well as the learned standing counsel.

The questions whether the petitioner is really working; the vacancy which he is seeking regularization is available or not; and the appointment of the petitioner is in accordance with law or not, are all disputed questions of fact which cannot be gone into by this Court.

The Apex Court in several judgments including the judgments reported in ***Secretary, State of Karnataka v. Uma Devi***[1] and ***State of Karnataka v. KGSD Canteen Employees Welfare Association***[2], held that for regularization of services of casual employees, the remedy available to such employees is to approach the appropriate forum under the Industrial Disputes Act, 10478, but not the High Court. In view of the same, the writ petition cannot be entertained and is liable to be dismissed.

At this stage, the learned counsel for the petitioner sought permission to withdraw the writ petition.

Accordingly, the writ petition is accordingly dismissed as withdrawn with liberty to approach the appropriate Forum for the relief. There shall be no order as to costs.

N.V.RAMANA, J

23-07-2007
GRR

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[1] (2006) 4 SCC 1

[2] (2006) 1 SCC 567